IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

OP.No. 25841 of 2000(B)
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PETITIONER:
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V. MANOHARAN, VATTAVILAKATHU VEEDU, PUTHUPALLY LANE, MEDICAL COLLEGE P.O., TVM.

BY ADV. SRI.VPK.PANICKER

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY ITS CHIEF SECRETARY TO GOVT., SECRETARIAT, TVM.

2. THE CHIEF ENGINEER (GENERAL) TRIQ BOARD (PWD), KERALA HIGHWAY RESEARCH INSTITUTE, PALAYAM, TVM..

BY GOVERNMENT PLEADER SHRI SANDESH RAJA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE CERTIFICATE ISSUED BY THE JOINT DIRECTOR, P.W.D DATED 13.9.90

EXT.P2-TRUE COPY OF THE ORDER ISSUED BY R1 DATED 17.9.1985

EXT.P3-TRUE COPY OF ORDER ISSUED BY R2 DATED 11.4.1988

EXT.P4-TRUE COPY OF THE ORDER DATED 20.1.1990 ISSUED BY R1

EXT.P5-TRUE COPY OF ORDER DATED 29.10.98 ISSUED BY R2

// TRUE COPY //

P.S. TO JUDGE

**T.R.RAMACHANDRAN NAIR, J.**

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**O.P. No.25841 of 2000-B.**

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**Dated this the 13th day of November, 2007.**

**J U D G M E N T**

**The substantial challenge is against Ext.P5 order whereby the claim of the petitioner to appoint him as SLR/CLR worker was rejected. The petitioner claims that he joined as a casual labourer in the year 1980 and continued so for a long time. To sustain the claim he has produced Ext.P1. It is averred that he continued for more than ten years and is entitled for regularisation. The basis of the claim is the order Ext.P2 passed by the Government dated 17-9-1985. The Government has laid down several criteria for absorption/regularisation of similarly placed employees. Pursuant to the said order it appears that a seniority list was prepared but the petitioner was not included in the same.**

**2. The petitioner approached the respondent with appropriate representation which was directed to be disposed of by Government Order No.EE1-29949/88 dated 11-4-1988. It is thereafter Ext.P5 order has been passed.**

**3. In Ext.P5 there is no detailed consideration of the claim of the petitioner with reference to the stipulations contained in Ext.P2. What is stated is that, 'on detailed examination of the case it is found that the petitioner is not eligible for including his name in the seniority list and**

**regularisation as per the existing rules. Hence the request of the petitioner is rejected as it is not admissible as per existing rules and also for want of documental evidence.'**

**4. The order does not consider the claim of the petitioner on merits. Why his claim cannot be admitted as per the existing rules has not been explained in Ext.P5. The learned counsel for the petitioner therefore prays that the matter may be reconsidered allowing the petitioner opportunity to produce relevant materials in support of his case.**

**5. Ext.P5 is quashed. The 2nd respondent is directed to reconsider the matter particularly with reference to the representation that was directed to be disposed of in OP.No.9488/1988 and any fresh representation he may wish to file detailing his claim. The 2nd respondent will dispose of the matter afresh within a period of four months from the date of receipt of a copy of this judgment. The 2nd respondent while disposing of the matter will verify the records, if any, available with the department relating to the period of service claimed by the petitioner along with other materials relied on by the petitioner.**

**The Original Petition is allowed as above.**

**T.R.RAMACHANDRAN NAIR,**
**JUDGE.**

**kvs/-**